IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 58 OF 2007

Rashida Yunusmiya Shaikh .. Petitioner.

V/s.

Smt.Zeharabai Abbasbhai Patrawalla .. Respondent.

Mr.A.J.Joshi for the Petitioner.

Mr.G.V.Nagarsheth for the Respondent.

CORAM : S. A. BOBDE, J.

DATED : 26th JULY, 2007.

P.C. :-

. At this hearing of the petition for contempt, Mr. Joshi, the learned counsel for the petitioner states that the petitioner is not in a position to file an undertaking as stated before the court on 5th of July, 2007. In the circumstances, the petitioner has challenged the order of the concurrent findings of the courts below that the respondent requires the suit property reasonably and bonafide for her own occupation and occupation of her family.

2. The appellate court has decided the appeal, interalia, on the basis of the evidence on record. The learned lower appellate court has come to the conclusion

that the family of the plaintiff consists of six members and that the house in which she is residing is insufficient for her. The learned appellate court has also upheld the finding of comparative hardship and found that the house No. 838, which stood in the name of the defendant's son is available to the defendant for accommodation since the son is no more.

3. Having heard the matter, no ground for interference with the said order is made out. There is no error of law apparent on the face of record nor is there perversity of miscarriage of justice. The petition is dismissed accordingly.

(S.A.BOBDE,J.)

.....